

**POTTER / RANDALL COUNTIES, TEXAS LOCAL EMERGENCY
PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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ARTICLE I NAME AND PURPOSE

Section 1. Name.

The name of this organization shall be the "Potter/Randall County Local Emergency Planning Committee," hereinafter referred to as the "LEPC."

Section 2. Purpose.

The purpose of the LEPC shall be:

- (A) to carry out for Potter and Randall Counties those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to:
 - 1) Development, training and testing of a hazardous material emergency response plan for Potter and Randall Counties
 - 2) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with Title III, SARA
 - 3) Development of procedures for receiving and processing requests from the public under the community right-to-know provisions of Title III, SARA
 - 4) Provision for public notification of committee activities
- (B) to implement such other and further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the County Judges.

ARTICLE II MEMBERSHIP

Section 1. Qualifications.

The membership shall consist of those members and organizations nominated by the County Judges and approved by the SERC for membership.

- (A) Individual Memebhrs Those persons or organnizations named shall represent the various professional and community groups as designated by Title III, SARA. Members of the LEPC shall be residents of or conduct business in Potter and/or Randall Counties.
- (B) Organizational Members Specific organizations approved for memebership by the LEPC as an organization. That organization shall designate a representative who shall have one vote for the organization. That vote may be presented by proxy designation.
- (C) Members-At-Large Individuals who may provide expertise in areas of concern to the LEPC. These members shall have no vote or hold office and will not be carried on the LEPC state roster. These members will receive all mailings and information.

Section 2. Officers.

Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes of meetings, and to otherwise accomplish the work of the committee.

Section 3. Vacancies.

Any vacancy occurring in the LEPC by reason of the resignation, death, or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. Suggestions for candidates to fill vacant positions may be made by the Executive Committee to the County Judges who will then make recommendations to the SERC for approval.

Section 4. Powers and Duties.

The LEPC shall have full charge of the planning for emergency response and public information as directed by the law. It shall plan and direct the work necessary to carry out the planning mandated.

Section 5. Meetings.

There shall be no less than four regular meetings of the committee per year. Special meetings of the LEPC may be called by Chairman at such time and place as the Chairman may determine. The Chairman must call a special meeting of the LEPC upon the written request of five members. The special committees shall meet as the work under their groupings proceeds.

Section 6. Quorum.

The presence of thirty-three percent of the voting members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of three members shall constitute a quorum for the transaction of business.

ARTICLE III OFFICERS

Section 1. Enumeration of Officers.

The Officers of the LEPC shall be a Chairman, Vice Chairman, and a Secretary-Treasurer who shall be elected by the committee as a whole in a manner herein provided. All officers shall be voting members of the LEPC.

Section 2. Nomination and Election of Officers.

Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairman, Vice Chairman, and Secretary-Treasurer. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by a majority of the members of the LEPC present at the meeting.

Section 3. Term of Office.

The term of the officers shall be for a period of one year to coincide with the LEPC fiscal year.

Section 4. Chairman.

The Chairman shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairman shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

Section 5. Vice Chairman.

Upon resignation or death or in the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman. The Vice Chairman shall perform such other duties as may be assigned by the Chairman.

Section 6. Secretary-Treasurer.

The Secretary-Treasurer in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of the LEPC.

Additionally, the Secretary-Treasurer in conjunction with the Information Coordinator shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC.

Section 7. Information Coordinator.

The LEPC will appoint an Information Coordinator. He shall assist the Secretary-Treasurer in records management and financial matters.

ARTICLE IV COMMITTEES

Section 1. Executive Committee.

The Executive Committee will consist of the Chairman, Vice Chairman, Secretary-Treasurer, and Chairmen of the four Standing Committees as described below. The duties of the Executive Committee shall be to coordinate activities of the Standing and ad hoc Committees.

Section 2. Standing Committees.

The following Standing Committees shall be established:

(A) Right-to-Know and Certification Committee.

This Committee shall be responsible for the formulation of all policies and procedures concerning the public's right-to-know program; the formulation of all chemical release reporting procedures; the establishment of trade secret protection procedures; establish procedures for the certification and listing of all companies and agencies that will support the clean-up/restoration effort and the formulation of all record keeping and information dissemination procedures for the LEPC.

(B) Public Education and Information Committee.

This Committee shall be responsible for the development of a public alert and notification program; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.

(C) Training Committee. Responsible for establishing training criteria, evaluating existing training program developing /obtaining necessary training.

(D) Emergency Response and Resources Committee.

This Committee will work with existing emergency response organizations in Potter and Randall Counties to review, test, and recommend changes to the Potter/Randall Hazardous Materials Response Plan (Annex Q) as required by Law.

The Committee will develop, review, and test site specific response plans (to include citizen protective actions, special needs considerations, and evacuation zones) for all facilities in Potter and Randall Counties that such planning is required by law.

In addition to those required by law the LEPC may designate additional facilities for pre-planning. This Committee shall review existing Federal, State and local plans for the purpose of coordination with the LEPC planning process.

The Chairman of this Committee may designate any number of sub-committees that may be needed. Sub-committee membership may or may not be LEPC members.

Section 3. Meetings.

Meetings of the Standing and ad hoc Committees may be called by the Chairman of the LEPC or the Chairman of the Committee as deemed necessary.

Section 4. Chairmen of the Standing Committees.

The Chairmen of the Standing Committees shall be nominated and elected by the LEPC voting membership.

Section 5. Membership of Standing Committees.

All members must volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees. Final membership on the Standing Committees shall be determined by the Chairman after consultation with the Executive Committee to ensure that all Committees have sufficient manpower to carry out their assigned tasks.

Section 6. Ad Hoc Committees.

The Chairman may create ad hoc committees as necessary to perform the functions of the LEPC. Chairmen of ad hoc committees shall be appointed by the Chairman.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Fiscal Year.

The fiscal year shall be considered to run from October 1 to September 30.

Section 2. Indebtedness.

All indebtedness incurred by the LEPC shall be approved by the Chairman before payment by the Secretary-Treasurer.

Section 3. Approval of Bylaws.

These bylaws shall become effective upon approval by a majority by those in attendance at the organizational meeting.

Section 4. Disqualification.

Any member who is unable to attend regular meetings of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with four consecutive absences is subject to being disqualified at the request of the LEPC to the County Judges and the SERC.

ARTICLE VI AMENDMENTS

Section 1. Amendments.

These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any proposed amendments to these bylaws be submitted to the members in writing at least one week in advance of the meeting.

ARTICLE VII RULES

Section 1. Adoption of Rules; Publication of Proposals.

The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under Title III and related applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC.

Publication shall be effected through posting of the proposed rule and a statement of basis and purpose on the public bulletin board on the first floors of the Amarillo City Hall and both County Courthouses. (The proposed rule together with the statement of basis and purpose are hereafter referred to as "notice of proposed rulemaking.")

Such notice of proposed rulemaking shall invite written public comment on any aspect of the proposed rule during the 30 day period. The LEPC Information Coordinator is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries and citizens.

Section 2. Method of Initiating Proposed Rulemaking.

Any member of the LEPC may recommend the initiation of proposed rulemaking. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC.

If the Executive Committee, by majority vote approves a proposed rule it shall thereafter proceed to publication as provided in the preceding section.

Section 3. Method of Adopting Final Rules.

Following the expiration of the 30 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discusses the basis for any appropriate changes to the proposal.

The Executive Committee shall present such statement to the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoptions was first published unless the LEPC determines otherwise.

Section 4. Notice of Adoption.

Upon adoption of any rule by the LEPC, the Information Coordinator also shall publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for proposed rules. Nothing herein shall require a specific response to each and every comment received.

Section 5. Emergency Rules.

In emergency circumstances, to be determined by the LEPC, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

ARTICLE VIII PARLIAMENTARY AUTHORITY

Section 1. Parliamentary Authority.

The rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

CHANGES TO BY-LAWS

REVISED PARAGRAPHS	EFFECTIVE	REFER TO MINUTES DATED
Article IV, Section 2 Standing Committees	1-13-93	1-13-93
Article IV, Section 4 Chair of Standing Committees	1-13-93	1-13-93
Article I, Section 2 Purpose	6-6-02	6-6-02
Article II, Section 1 Qualifications	6-6-02	6-6-02
Article II, Section 6 Quorum	6-6-02	6-6-02
Article III, Section 1 Enumeration of Officers	6-6-02	6-6-02
Article III, Section 2 Nomination and Election of Officers	6-6-02	6-6-02
Article IV, Section 4 Chair of Standing Committees	6-6-02	6-6-02

POTTER/RANDALL COUNTY LOCAL EMERGENCY PLANNING COMMITTEE FINAL RULES

I. Definitions

Unless otherwise stated, all terms herein shall be defined in accordance with the definitions provided in Title III of the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499, (the "Act") and regulations adopted in accordance therewith.

II. Public Notification and General Participation

- A. The LEPC shall publish notice of all its meetings, and all subcommittee meetings, on the public bulletin board on the first floors of the Amarillo City Hall and both County Courthouses at least 72 hours prior to any such meeting.

In emergencies, declared by the Chairman and confirmed by a majority of the LEPC in attendance at an emergency meeting, the 72-hour notice may be waived in accordance with Section 3A(h) of the Texas Open Meetings Act, Tex. Rev. Civ. Stat. Ann art. 6252-17.

- B. All meetings of the LEPC or any subcommittee thereof shall be open to the public, except under circumstances where the Texas Open Meetings Act permits otherwise. The Chairman shall afford a reasonable period of time at the beginning of each regular monthly meeting to accept oral public comments on any aspect of the LEPC's mission or functions.
- C. 1. Not less than once each calendar year, the Chairman shall cause to be published in a newspaper of general circulation in Potter/Randall Counties a notice that written public comment is invited during a thirty-day period on any aspect of the LEPC's organization, membership, functions, planning process, or purpose.

Such notice shall comply in all respects with Section 324(b) of the Act and present a brief explanation of the LEPC's statutory purpose, the location of LEPC minutes and other records, and the name and address of the person designated by the Chairman to receive written comments.

2. The LEPC shall review all comments received and shall publish, in the manner described in subsection A of this section, responses to major issues raised in such public comments. Nothing herein shall require the LEPC to respond to each and every comment received.

III. Public Access to Information

- A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to Title III and any requested Tier II form or MSDS otherwise in possession of the Committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II form.
- B. All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such person. The cost of such photocopying shall be set from time to time by the information Coordinator, with the approval of the Executive Committee, at a level which will enable the LEPC to recover all reasonable expenses associated with processing the request.

Copies of the LEPC bylaws, proposed rules, or rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

C. Requests for MSDS and Other Non-Confidential Information.

1. Any Person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.
2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator.
3. If the Committee does not have in its possession the MSDS or other information requested in sections C1 or C2 of this section, it shall request a submission of the MSDS from the owner or operator of the facility that is the subject of the request.

The Committee will only make requests to specific facilities for information which it is required to maintain or collect pursuant to applicable law.

D. Requests for Tier II information.

1. Any person may request Tier II information with respect to a specific facility by submitting a written request to the Committee in accordance with the requirements of this section.
2. If the Committee does not have in its possession the Tier II information requested in paragraph D1 of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided that the request is from a State or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess threshold planning quantities.
3. If the request under paragraph D1 of this section does not meet the requirements of paragraph D2 of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under paragraph D1 of this section includes a general statement of need.

IV. Trade Secrets

Except as provided in this section, all information submitted to the LEPC by facilities pursuant to Title III shall be public information.

Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims. Pursuant to Section 312 and Section 324(a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under Title III and any regulations promulgated pursuant to same.

Such information shall be exempt from disclosure by the LEPC permanently or until such time as (1) an authorized governmental agency, and if applicable, a court of competent jurisdiction makes a final determination following any appeals, that such information not subject to a valid claim of business confidentiality or trade secret and (2) the LEPC receives a written notice of such determination.